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(12)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/709,325	09/04/96	KLOK	F 960464/LH

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EXAMINER

KIZOU, H

ART UNIT	PAPER NUMBER
2732	5

DATE MAILED: 08/07/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/709,325

Applicant(s)
Klok et al

Examiner
Hassan Kizou

Group Art Unit
2732



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1, 2, 5-10, and 14-18 is/are allowed.

☒ Claim(s) 3, 4, 11-13, 19, and 20 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 & 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because of the reasons indicated in the attached form PTO 948. Correction is required.

Claim Rejections - 35 USC § 112

3. Claims 3, 4, 11, 12, 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In *claims 3 and 4*, it is not clear whether “a second device”, recited in line 1, refers to the second device recited in claim 1. In *claim 11*, it is not clear which of the networks recited in claim 10 is being referred to in “issuing to a network” (line 6). In *claims 12 and 13*, it is not clear what is meant by “packet switching data connection comprises an SDH connection” and “packet switching data connection comprises an ISDN connection” respectively.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pocock et al. (US 4941040), hereinafter referred to as Pocock, in view of Chan et al. (US 4556972), hereinafter referred to as Chan. Pocock discloses a cable distribution system substantially meeting all the limitation of the claims. With reference to Figure 1, the services station reads on CATV hub 20, the first unidirectional communication path reads on Trunk Cable 21, the second communication path reads on the telephone link through Telephone Switching Office 55 which is a non-packet switching network.

The reference does not disclose that user selection information is transmitted in packets through the non-packet switching network. Chan shows that it is well known in the art to transmit data packet through a circuit switch network (non-packet switching network). See abstract and Figure 1. It would have been obvious to one of ordinary skill in the art to modify Pocock so as to transmit user selection information in the form of data packets through the circuit

switching network 55, as suggested by Chan's teaching, since the use of data packet provides for an effective interactive exchange of information between the user equipment and the CATV hub. The use of data packet also has the advantage of enabling the user to establish multiple logical connection to the CATV hub within a single physical connection established through Telephone Switching Office 55. As for data packets being ATM cells, it would have been obvious to one of ordinary skill in the art to use this format since it is widely used in the telecommunication industry and consequently equipment using this format are more readily available and less costly.

Allowable Subject Matter

7. Claims 3, 4 and 11-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.
8. Claims 1, 2, 5-10 and 14-18 are allowed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Monslow et al (US 4890320), Bales et al (US 5014266), Sakata et al (US 5182748), Nemirofsky (US 5412416).
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Hassan Kizou* whose telephone number is (703) 305-4744. The examiner can normally be reached on Monday through Thursday from 7:00 am to 4:30 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Douglas Olms*, can be reached on (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



Hassan Kizou
Primary Examiner

August 1, 1998